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SUBJECT: AZERBAIJAN: GOVT CONVICTS 10 OF ELECTION FRAUD

REF: 05 BAKU 1876

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¶1. (U) On February 24 First Deputy Prosecutor General Rustam Usubov told Poloff that the Prosecutor General's Office (PGO) has obtained criminal convictions of 10 individuals for election fraud in connection with the November 6 parliamentary elections. Few political observers were aware of these reported convictions and the GOAJ has not publicized the results.

¶2. (U) Usubov stated that the PGO has opened 18 criminal investigations into election fraud and sent 11 of these cases to trial. Courts have ruled in eight of the 11 cases which produced the conviction of ten individuals. All of the 10 convicted individuals received financial penalties of between 15 and 20 percent of their annual salaries. None of those convicted received jail sentences.

¶3. (U) In total, Usubov reported the PGO received 351 election fraud complaints, 99 of these from the Central Election Commission (CEC) and the remainder from election precinct officials, political parties, candidates and private citizens. In all but the 18 cases criminally prosecuted, the PGO concluded that the alleged election code violations either were not criminal in nature or were not sufficiently serious to warrant criminal prosecution. In two cases investigated by the PGO, mitigating circumstances (the voluntary confession of the suspect in one, and extenuating family circumstances in the other) caused the PGO to drop criminal charges.

¶4. (U) Citing the success of the PG's deployment of prosecution teams around the country to cover the November parliamentary election, Usubov noted that the PGO will again dispatch teams to the ten constituencies where rerun elections will be held in May to combat election fraud.

¶5. (SBU) Comment. While the GOAJ conviction of ten persons for election fraud is a welcome first, it also represents only a fraction of the total number of complaints. Moreover, since the GOAJ has not publicized these 10 convictions, it seems unlikely the convictions will have a deterrent effect on those seeking to undermine the integrity of the electoral process.

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